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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,211	02/24/2004	Robert M. Lofthus	A3249Q XERZ 2 00783	8821

7590 08/31/2006
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EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/785,211		LOFTHUS ET AL.	
	Examiner		Art Unit	
	Leslie A. Nicholson III		3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14, 15 is/are rejected.
- 7) ☒ Claim(s) 6 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments and Amendments

1. Regarding claim 1, Applicant argues that there is no suggestion in Jackson or Judge that the sheets are selectably contemporaneously transportable in different directions. In response, the Examiner points out that limitation has not been recited in a way as to be structurally limiting.

Regarding claim 3, the Examiner thanks Applicant for noting the typographical error and has corrected it below. However, the Examiner notes that the limitation of this claim was recited in ¶4 of the previous action.

Applicant's arguments with respect to the rejection(s) of claim(s) 2,4,8-12,14,15 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new ground(s) of rejection have been made (see below).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Jackson PGPub 2003/0002447.

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Jackson discloses a multifunction printed sheets interface system that includes:

- A plurality of printers and a plurality of sheet processing systems (§0042)
- plural sheet input areas and plural sheet outputs areas (§0042)
- a sheet position sensing system (244)
- a sheet transporting system (220) that includes independently operable sheet transports that provide variable angle driving for selectable sheet rotation and translation and that provides selectable sheet merging
- a plane having first and second angularly spaced sides, with a first of the sheet output areas being adjacent the first angularly spaced side of the plane and a second of said sheet output areas being adjacent the second angularly spaced side of the plane (§0042) (fig.2)

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,3,5,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson USP 5,634,636 in view of Judge USP 4,618,292.

Jackson discloses a multifunction printed sheets interface system that includes:

- plural sheet input areas (front left side of conveyor 20, front right side of conveyor 20)
- plural sheet outputs areas (rear left side of conveyor 20, rear right side of conveyor 20)
- a sheet position sensing system (40)
- a sheet transporting system (20) that includes independently operable sheet transports (26) that provide variable angle driving for selectable sheet rotation and translation (C2/L40-45) and that provides selectable sheet merging (116)

Jackson does not expressly disclose a plane having first and second angularly spaced sides, with a first of the sheet output areas being adjacent the first angularly spaced side of the plane and a second of said sheet output areas being adjacent the second angularly spaced side of the plane.

Judge teaches a plane having first and second angularly spaced sides, with a first of the sheet output areas being adjacent the first angularly spaced side of the plane and a second of said sheet output areas being adjacent the second angularly spaced

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side of the plane (fig.10,11) for the purpose of providing the capability of sending the sheet in any direction (C4/L17-25) so an input station can be replaced with an output station, and vice versa.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a plane having first and second angularly spaced sides, with a first of the sheet output areas being adjacent the first angularly spaced side of the plane and a second of said sheet output areas being adjacent the second angularly spaced side of the plane, as taught by Judge, in the device of Jackson, for the purpose of providing the capability of sending the sheet in any direction so an input station can be replaced with an output station, and vice versa.

6. Claims 2,4,8,9,10,11,12,14,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephan USP 5,687,964 in view of Jackson USP 5,634,636.

Stephan discloses a multifunction printed sheets interface system that includes:

- A plurality of printers (14) and a plurality of sheet processing systems (fig.1)
- plural sheet input areas and plural sheet outputs areas (fig.1)
- a sheet transporting system (32) that includes independently operable sheet transports that provide variable angle driving for selectable sheet rotation and translation and that provides selectable sheet merging (see figures)

Stephan does not expressly disclose a sheet position sensing system.

Jackson teaches a sheet position sensing system (40) for the purpose of giving

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spatial and dynamic information to provide for movement calculation providing overall position, orientation, and velocity (C3/L56-67).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a sheet position sensing system, as taught by Jackson, in the device of Stephan, for the purpose of giving spatial and dynamic information to provide for movement calculation providing overall position, orientation, and velocity.

Allowable Subject Matter

7. Claims 6,13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.
8/30/2006


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER